

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

AARON ISRAEL,	)		
a/k/a AARON ISBY,	)		
	)	CAUSE NO.	3:98-CV-609 RM
Plaintiff,	)		
	)	and also CAUSE NO.	
v.	)		3:99-CV-135
	)		3:99-CV-610
EDWARD COHN, <i>et al.</i> ,	)		3:00-CV-153
	)		3:00-CV-709
Defendants.	)		3:01-CV-805

MEMORANDUM AND ORDER

Aaron Israel, a *pro se* prisoner, filed a motion asking this court to vacate its order of October 13, 2004. That order relied on Newlin v. Helman, 123 F.3d 429 (7th Cir. 1997), which he now asks this court to overrule. Newlin is binding on this court and it is not within the authority of this court to overrule Seventh Circuit cases. Mr. Israel also seeks a change of judge, alleging that the undersigned judge should be disqualified because of his obvious prejudice. Applying a binding precedent is not evidence of bias or a lack of impartiality. See Hook v. McDade, 89 F.3d 350, 354 (7th Cir. 1996).

For the foregoing reasons, the court (1) **DENIES** the motion for a change of judge; and (2) **DENIES** the motion to vacate.

SO ORDERED.

ENTERED: May 13, 2005

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/s/ Robert L. Miller, Jr.  
Chief Judge  
United States District Court